IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24868 of 2004

Between:

A. David, S/o. A. Edanna,
M.P. Narayankhed, Medak District.

..... PETITIONER

AND

1 The Regional Joint Director of School Education,

Hyderabad.
2 The Commissioner & Director of School Education, A.P.

Hyderaba.
3 Government of A.P., rep. by its Secretary, Education

Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of certiorari calling for the records relating to the impugned proc. Rc.No. 7120/B2/2004, dated 27.10.2004 issued by the Regional Joint Director of School Education, Hyderabad and the Judgment of the Administrative Tribunal in O.A.No.6160 of 2004, dated 15. 12.2004 and quash the same.

Counsel for the Petitioner:MR.D.LINGA RAO

Counsel for the Respondent No.: GP FOR SCHOOL EDUCATION

The Court made the following :

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O R D E R:(**Per G.Bikshapathy.J**)

This writ petition is filed challenging the order passed by the Tribunal in O.A.No.6160 of 2004, dated
15-12-2004.

2. The petitioner is the applicant before the Tribunal. He filed O.A.No.6160 of 2004, challenging the proceedings of the suspension dated 27-10-2004. By order, dated 15.12.2004, the Tribunal holding that the petitioner has not availed the alternative remedy of appeal and no *mala fides* were attributed against the respondent, dismissed the said O.A.NO.6160 of 2004. Hence, this writ petition is filed.

3 . The learned counsel representing Mr.D.Linga Rao submits that as *mala fides* were attributed, the order of the Tribunal is not sustainable. He also submits that the existence of an alternative remedy is not an effective remedy so as to prohibit the petitioner from approaching this Tribunal and obtaining proper relief.

4 . As the Tribunal found that no *mala fides* were attributed against the officer in issuing the suspension orders, we are not inclined to consider the matter at this juncture. Moreover, we find that the order of suspension was issued by the respondent authorities, taking into consideration the complaint filed by the Teachers' Association for using filthy language against a lady officer. In such a situation, we are not inclined to interfere with the order of the Tribunal.

5. Accordingly, the Writ Petition is dismissed. No order as to costs.

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G.BIKSHAPATHY.J.,

P.S.NARAYANA.J.,

14th February, 2005.

mrb

To

1 The Regional Joint Director of School Education,

Hyderabad.
2 The Commissioner & Director of School Education, A.P.

Hyderaba.
3 Government of A.P., rep. by its Secretary, Education

Department, Secretariat, Hyderabad.

4. Two CCs to G.P for School Education, High Court

Buildings, Hyderabad(OUT).

5. Two CD copies.

6. The Registrar Central Administrative Tribunal,Hyderabd.